

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:10CR3113
	)	
v.	)	
	)	
JOSE A. ESPINOZA,	)	MEMORANDUM AND ORDER
	)	
Defendant.	)	

At defendant's request , his trial was previously removed from the trial docket and a change of plea hearing was set for April 21, 2011. The day before the scheduled hearing, his retained counsel moved to withdraw. Therefore, instead of a plea hearing, the court held a hearing on the motion to withdraw on April 21, 2011. At the hearing, the defendant stated he wanted new counsel and explained his mother was retaining Glenn Shapiro for defendant's futurer representation.

Mr. Shapiro had now entered an appearance for the defendant, and on defendant's behalf, has requested additional time to 1) review this case and the evidence before determining if pretrial motions should be filed, and 2) confer with the defendant regarding entering a plea or going to trial. After conferring with defendant's new counsel and counsel for the government,

IT IS ORDERED:

- 1) The motion to withdraw filed by James W. Crampton, (filing no. 48), is granted. The clerk shall delete Mr. Crampton from any future ECF notifications herein.
- 2) The defendant's request for a new scheduling order is granted, and
  - a. The defendant's pretrial motions and briefs shall be filed on or before May 27, 2011.

- b. Trial of this case is set to commence before the Honorable Richard G. Kopf at 9:00 a.m. on June 27, 2011 or as soon thereafter as the case may be called, for a duration of 5 trial days, in Courtroom 1, United States Courthouse, Lincoln, Nebraska. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth herein and the representations of defendant's counsel, the Court further finds that the ends of justice will be served by setting a new progression schedule; and that the purposes served by doing so outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and June 27, 2011 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7)(A).

DATED this 17th day of May, 2011.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge